

REMARKS

The application has been amended and is believed to be in condition for allowance. Previously, claims 1-7 were pending. This amendment incorporates the subject matter of prior claim 5 into claim 1. Claims 2-5 are canceled. The remaining claims are also amended slightly as to form.

Claims 2-4 were rejected under §112, first paragraph. This rejection is moot in view of these claims being canceled.

Claims 1 and 4-7 were rejected as obvious over STRONG et al. 5,324,303, in view of ITOH 3,651,972.

Claims 2-3 were also rejected as obvious; however, these claims have been canceled.

The incorporation of claim 5 into independent claim 1 adds the feature that the interior of the cap has opposed projections on the minor plane of the elliptical end portion of the cap. These projections are not the same as the projections 29 of the main reference of STRONG et al. as they are not located on the minor axial plane of an elliptical end portion of the cap. Projections 29 in the STRONG et al. citation are carried on flexible arms 19 which snap over the end of a firing device.

The device of the invention has an elliptical end portion of the cap which can be squeezed to a circular shape to fit over the end of a firing device. This is a very important method of interconnecting the two parts. The significant

advantage of the use of the elliptical cap end is that when it is squeezed, the projections are moved out of an engaging position with the lancet. However, when the cap is removed, the elliptical portion naturally reverts to its elliptical shape with the result that the internal projections then lock into capturing engagement with the lancet. This is a much more elegant, and non-obvious design than that of STRONG et al. and allows the operation by simply squeezing and releasing of the elliptical end portion of the cap.

ITOH has been offered as showing a bottle closure with an elliptical portion having a rim which can engage with the neck of a bottle when the ellipse is released. This item relates to an entirely different subject matter (bottle closures) than the lancet firing assembly of the present invention (as well as the lancet assembly of STRONG et al.) and it is therefore non-analogous to the present invention and STRONG et al.

In any event, the arrangement of ITOH is intended to locate with the bottle neck with the ellipse in its released (normal) condition and it is not intended to be squeezed into a circular state so as to fit onto the circular mounting on another member. Furthermore it does not have inwardly extending projections (which, as a separate action, interconnect with another member - in the case of this invention a lancet - when the cap is withdrawn from the part to which it is connected).

Consequently, the device of ITOH is not adapted in any way to replace the structure shown in STRONG et al., and any attempted combination of the devices of STRONG et al. and ITOH would not create the structure as recited by amended Claim 1.

In summary, since ITOH is not analogous to STRONG et al., the use of ITOH in an obviousness rejection is improper. Further, even if the two references were combined, they would not result in a structure which contains the features of amended claim 1. Accordingly, amended claim 1 is believed to be nonobvious and its allowance is solicited.

In view of the above, applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41,949  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

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